

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 23-173 (WMW/DLM)

UNITED STATES OF AMERICA,

Plaintiff,
v.

JACKIE RAHM LITTLE,

Defendant.

**GOVERNMENT'S RESPONSE
TO DEFENDANT'S MOTION TO
DETERMINE COMPETENCY
AND MOTION FOR
PSYCHIATRIC EVALUATION**

The United States of America, by and through its attorneys, Andrew M. Luger, United States Attorney for the District of Minnesota, and Manda M. Sertich, Assistant United States Attorney, hereby submits its response to defendant Jackie Rahm Little's (the "Defendant") Motion to Determine Competency. *See* ECF Nos. 23, 24, 25.

On May 3, 2023, Defendant was charged by Indictment with Arson, in violation of 18 U.S.C. § 844(i), and Damage to Religious Property, in violation of 18 U.S.C. §§ 247(a)(1) and (d)(3). The defense now moves the Court for a hearing to determine the mental competency of Defendant pursuant to 18 U.S.C. § 4241(a). The defense bases its motion on Defendant's history of conflicting competency evaluations in 2022, a determination of incompetency in connection with state court proceedings, and a more recent, but abbreviated, competency evaluation conducted by a privately retained forensic psychologist following Defendant's arrest for the instant offenses.¹ *See id.*

¹ The forensic psychologist who conducted the more recent evaluation of Defendant previously evaluated him during the fall of 2022, and the current evaluation reads as a follow up to the earlier evaluation.

The Government does not object to the defense's request for a competency hearing but moves the Court to order a psychiatric or psychological examination of Defendant by the Government, with transfer by the Bureau of Prisons ("BOP") to a suitable BOP facility for such evaluation to be conducted. At a minimum, the Government believes the Court would benefit from a complete and current evaluation of Defendant pursuant to 18 U.S.C. § 4241(b) that meets the requirements of 18 U.S.C. § 4247(c) for psychiatric or psychological reports.

In requesting this additional evaluation, the Government does not concede that Defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. The Government reserves the right to make any relevant arguments at subsequent hearings on Defendant's present mental condition, at trial, at hearings relating to Defendant's sentencing, or at any other relevant hearings related to the prosecution.

Dated: July 6, 2023

Respectfully Submitted,

ANDREW M. LUGER
United States Attorney

/s/ Manda M. Sertich

BY: MANDA M. SERTICH
Assistant U.S. Attorney
Attorney Id No. 4289039 (NY)